

REMARKS/ARGUMENTS:

Claims 20, 27, 30, 34-39 and 41-44 are presently pending. Claims 20, 27, 30, 34-39 and 41-44 have been cancelled without prejudice or disclaimer. New claims 45-47 have been added. Accordingly, claims 45-47 will be pending upon entry of the instant amendments. No new matter has been added.

Claims 45-47 have been added solely for the sake of expediting prosecution. In this regard, the compound scope has been limited to a single compound. This amendment is based on page 33 lines 24-25, where it is stated that examples of formula (I) are set out in tables 1-16 and example 101 in table 4 (page 37). Pharmaceutically acceptable salts of a compound of formula (I) are disclosed in the application at page 32 line 18.

Moreover, amendment and/or cancellation of the claims during pendency of the application are not to be construed as acquiescence to any of the objections/rejections set forth in any Office Action, and were done solely to expedite prosecution of the application. Applicants submit that claims were not added or amended during prosecution of the instant application for reasons related to patentability. Applicants reserve the right to pursue the claims as originally filed, subsequently amended or added, or similar claims, in this or one or more subsequent applications.

Claim Rejections under 35 USC §112**Rejection of Claims 20, 27, 30, 34-39 and 41-44 under 35 USC §112, First Paragraph**

Claims 20, 27, 30, 34-39 and 41-44 remain rejected under 35 USC §112, first paragraph. However, claims 20, 27, 30, 34-39 and 41-44, have been cancelled without prejudice or disclaimer.

As such, Applicants assert that the rejection of claims 20, 27, 30, 34-39 and 41-44 under 35 USC §112, first paragraph, is now moot. Applicants respectfully request withdrawal of this rejection and favorable reconsideration.

Claim Rejections under 35 USC §103

Rejection of Claims 20, 27, 30, 34-39 and 41-44 under 35 USC §103

The Examiner has maintained the rejection of claims 20, 27, 30 and 34-39 and 41-44 as being unpatentable over Brown et al (WO 96/15118) for the reasons of record. However, claims 20, 27, 30, 34-39 and 41-44, have been cancelled without prejudice or disclaimer.

As such, Applicants assert that the rejection of claims 20, 27, 30, 34-39 and 41-44 under 35 USC §103(a) is now moot. Applicants respectfully request withdrawal of this rejection and favorable reconsideration..

CONCLUSION

Applicants respectfully request favorable reconsideration and allowance of all pending claims. Passage of the instant application to issuance is earnestly solicited. As noted above, if a telephone conversation with Applicants' attorney would help to expedite the prosecution of the above-identified application, the Examiner is urged to call Applicants' attorney at the telephone number below.

A petition for a one month extension of time is being filed herewith, the Commissioner is hereby authorized to charge any deficiency in the fees or credit any overpayment to deposit account No. 50-3231, referencing Attorney Docket No. Z70599-1P US.

Respectfully submitted,
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